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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,182	09/01/2000	Agathagelos Kyrilidis	96074CIP (3600-011-02)	6449

7590 01/24/2008  
Martha Ann Finnegan Esq  
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157 Concord Road  
Billerica, MA 01821-7001

EXAMINER
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PHASGE, ARUN S

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/654,182	<b>Applicant(s)</b> KYRLIDIS ET AL.	
	<b>Examiner</b> Arun S. Phasge	<b>Art Unit</b> 1795	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 16-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent 04346830 (herein after ' 830).

The Japanese patent discloses the carbonaceous material having the claimed particle size and the attached organic group (see abstract).

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent JP 58041351 (' 351).

The Japanese patent discloses the carbonaceous material having the claimed particle size and the attached organic group (see abstract).

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent Jp 2193066 ('066).

The Japanese patent discloses the carbonaceous material having the claimed particle size and the attached organic group (see abstract).

***Claim Rejections - 35 USC § 103***

Claims 2-4, 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent '830 as applied to claims above, and further in view of Stalling.

The Japanese patent does not disclose the use of the particular types of organic material attached to the carbon particle. The Stalling patent is cited to show the attachment of other types of organic compounds to the carbon particle (see figure 10 b).

Therefore, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the Japanese patent with the teachings of the Stalling, because the Stalling patent teaches the attachment of other organic material to carbon particles.

Claims 2-4, 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent '351 as applied to claims above, and further in view of Stalling.

The Japanese patent does not disclose the use of the particular types of organic material attached to the carbon particle. The Stalling patent is cited to show the attachment of other types of organic compounds to the carbon particle (see figure 10 b).

Therefore, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the Japanese patent with the teachings of the Stalling, because the Stalling patent teaches the attachment of other organic material to carbon particles.

Claims 2-4, 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent '066 as applied to claims above, and further in view of Stalling.

The Japanese patent does not disclose the use of the particular types of organic material attached to the carbon particle. The Stalling patent is cited to show the attachment of other types of organic compounds to the carbon particle (see figure 10 b).

Therefore, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

disclosure of the Japanese patent with the teachings of the Stalling, because the Stalling patent teaches the attachment of other organic material to carbon particles.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent '830 as applied to claims above, and further in view of Kusano applied as of record for reasons of record.

C laim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent '351 as applied to claims above, and further in view of Kusano applied as of record for reasons of record.

C laim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent '066 as applied to claims above, and further in view of Kusano applied as of record for reasons of record.

Claims 2-4, 6-10, 16-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent '830 as applied to claims above, and further in view of Boes applied as of record for reasons of record.

Claims 2-4, 6-10, 16-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent '351 as applied to claims above, and further in view of Boes applied as of record for reasons of record.

Claims 2-4, 6-10, 16-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent '066 as applied to claims above, and further in view of Boes applied as of record for reasons of record.

*Response to Arguments*

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed with the appeal brief have been fully considered but they are not persuasive.

The use of the term attachment to define a different structure is untenable, because the specification does not define attachment as such a structure. Indeed, any coating of the particle would read upon attachment as recited in the claims.

*Conclusion*

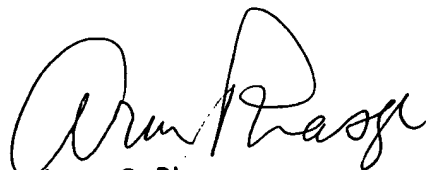
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

Application/Control Number:  
09/654,182  
Art Unit: 1795

Page 7

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Arun S. Phasge  
Primary Examiner  
Art Unit 1795

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